

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD GONDA,)	
)	
Plaintiff,)	
)	
-VS-)	
)	Civil Action No. 00-2286
)	
METROPOLITAN LIFE INSURANCE COMPANY)	
and WILLIAM FRIEDT, JR.,)	
)	
Defendant.)	

AMBROSE, Chief District Judge.

ORDER OF COURT

Defendants seek to exclude Exhibits 47, 48 and 49 of Plaintiff's Pre-Trial Statement relating to the accelerated premium plan ("APP") illustrations. (Docket No. 68). Defendants first seek to exclude the Exhibits based on relevance. Specifically, Defendants argue that because the documents were created in the 1980s, the documents are irrelevant to the events occurring in 1992. I disagree. Defendants' concern in this regard goes to weight, not admissibility and can be dealt with on cross-examination. Moreover, the documents are relevant to show a business pattern and practice regarding vanishing premiums, an issue in this case. See, Fed. R. E. 406. Consequently, I will not exclude them on this basis.

Defendants next argue that the documents should be excluded because they are unfairly prejudicial to Defendants. After engaging in a thorough Rule 403 analysis, I disagree. I do not find that probative value to be substantially outweighed

by the danger of unfair prejudice.

THEREFORE, this **28th** day of June, 2006, upon consideration of Defendants' Motion to Exclude Plaintiff's Exhibit Nos. 47, 48 and 49, Approval Process of Accelerated Premium Plan - Related Documents (Docket No. 68) and the related submissions, it is Ordered that said Motion (Docket No. 68) is denied.

BY THE COURT:

/S/ Donetta W. Ambrose
Donetta W. Ambrose,
Chief U. S. District Judge